

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 1631

#12

In re

Patent Application of

Craig E. Smith, et al.

Serial No. 09/813,077

Filed: March 20, 2001

Confirmation No.: 1397

Examiner: Marschel, Ardin H.

"pH DEPENDENT ION EXCHANGE MATRIX AND  
METHOD OF USE IN THE ISOLATION OF  
NUCLEIC ACIDS"

I, Leslie Lindsay Smith, hereby certify that this correspondence is  
being facsimile transmitted to the Commissioner for Patents at (703)  
308-4242 on the date of my signature.

Leslie Lindsay Smith  
Signature

13 August 2003  
Date of Signature

## RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Communication (copy attached) mailed 07/30/2003, Applicants submit herewith the paper copy of the Sequence Listing.

In accordance with 37 CFR § 1.821(g), the undersigned avers that the content of the computer readable form of the Sequence Listing that has been forwarded from the parent application serial number 09/312,172 is the same as the Sequence Listing in written form and that the submission includes no new matter.

Respectfully submitted,

Jill A. Fahrlander  
Jill A. Fahrlander  
Reg. No. 42,518

Docket No.: 016026-9182  
Michael Best & Friedrich LLP  
One South Pinckney Street  
P. O. Box 1806  
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(608) 257-3501  
Q:\client\016026\9182\B0239990.DOC

FAX of 8/13/03  
10-FAX'd 9-22-03  
Received, AM, 9-22-03



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,077	03/20/2001	Craig E. Smith	16026-9182-03	1397

23510 7590 07/30/2003

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Michael Best & Friedrich LLP  
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AUG 4 2003

DOCKETING  
MADISON, WI

EXAMINER

MARSCHEL, ARDIN H

ART UNIT PAPER NUMBER

1631

11

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

Due Date Aug 30/03 ALBW



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 Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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11

DATE MAILED:

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#### Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR §§1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 because it lacks any submission of a paper copy of the sequence listing for the specification. It is again noted that applicants have stated that this application contains a paper copy sequence listing, but that yet another diligent search of the instant filed has failed to reveal such a paper copy, as filed. Applicants are also informed that the computer readable sequence listing has been forwarded from the parent application serial number 09/312,172. The replies filed on 1/6/03 and 5/19/03 are not fully responsive to the prior Office Action, mailed 12/12/02, because of the above sequence rule non-compliance. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).** Failure to respond to this requirement may result in abandonment of the instant application or a notice of a failure to fully respond to this Office action.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The CM1 Fax Center number is either (703)308-4242 or (703)305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ardin Marschel, Ph.D., whose telephone number is (703)308-3894. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703)308-4028.

Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instrument Examiner, Tina Plunkett, whose telephone number is (703)305-3524 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

July 25, 2003  
 09/813,077

*Ardin H. Marschel*  
 ARDIN H. MARSCHEL  
 PRIMARY EXAMINER

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FAX (608) 283-2275**FACSIMILE TRANSMISSION****DATE:** ~~August 13, 2003~~ September 22, 2003**TO:**

NAME	FAX NO.	PHONE NO.
GMI Fax Center	703/308-4242	703/308-3894
Examiner Marshall	703/746-4991	703/308-3894
USPTO		

**FROM:** Jill A. Fahrlander**PHONE:** (608) 283-0124**SENT BY:** Leslie Lindsay Smith **EXTENSION:** 7516 **LOCATION:** 9th Floor**RE:** US Patent Application Serial No. 09/813,077

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**NOTES/COMMENTS:****RESEND OF EARLIER FAXED SUBMISSION.**

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